

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WAYMO LLC,

Plaintiff,

No. C 17-00939 WHA

v.

UBER TECHNOLOGIES INC,
OTTOMOTTO LLC, and
OTTO TRUCKING LLC,

**FURTHER TENTATIVE
JURY INSTRUCTION**

Defendants.
_____ /


Below please find another tentative jury instruction that may assist our jury. By **NOON ON NOVEMBER 3**, counsel shall please critique (up to six pages total) and by **NOON ON NOVEMBER 7**, counsel may submit counter critiques (up to four pages total). Please follow the same guidelines as to authorities set forth at Docket No. 2010. (The earlier critiques and counter critiques are still due on their original schedule.)

An engineer will, through trial and error and application of his or her professional skills, sharpen his or her skills and accumulate insights that supplement the skill and know-how otherwise known in his or her field. When the engineer moves to his or her next job with a new employer, the engineer cannot be expected to delete such on-the-job practical lessons from his or her memory and will remain free under

1 the law to use those practical lessons to the same extent as skill and
2 know-how otherwise known in the field. The engineer cannot, however,
3 go further in his new job with a new employer and misappropriate specific
4 engineering solutions developed by his prior employer, even those
5 developed by him or her, where such specific solutions qualify as a trade
6 secret. It is for the jury to decide in each case whether the engineer has
7 misappropriated a trade secret versus merely used practical lessons from
8 his prior employment.

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11 **IT IS SO ORDERED.**

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14 Dated: October 24, 2017.

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17 WILLIAM ALSUP
18 UNITED STATES DISTRICT JUDGE
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